

REMARKS

The Office Action of April 25, 2007 was received and reviewed. Claims 2-3, 6-8, 11, 12, 15-17, 19-35 and 37-67 were pending prior to the instant amendment. By this amendment, claims 3, 7, 8, 20, 21, 54, 57, 60 and 61 have been amended to recite features to which Applicants are entitled. Claims 2, 6, 19 and 66-67 have been canceled without prejudice or disclaimer. Consequently, claims 3, 7-8, 11, 12, 15-17, 20-35 and 37-65 are pending with claims 3, 7, 8, 20-24, 54, 57, 60 and 61 being independent in the instant application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

In the Office Action, claims 2-3, 6-8, 11-12, 15-17, 19-35, and 37-67 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP 59-121876 to Ikeda et al. (Ikeda) in view of U.S. Patent No. 5,270,263 to Kim et al. (Kim). Further, claims 2, 3, 7, 11, 12, 16, 22, 28, 31, 32, 34, 40, 43, 44, 46, 51, 54-56 and 60-67 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-27 of U.S. Patent No. 6,268,631. These rejections are respectfully traversed at least for the reasons provided below.

With respect to independent claims 22-24, Applicants do not believe the rejections are proper. Although claims 22-24 recite, among other things, the feature of “aluminum to nitrogen ratio in said aluminum nitride insulating film is in the range of 0.9 to 1.4,” neither Ikeda nor Kim appear to teach or suggest the feature of aluminum to nitrogen ratio in said aluminum nitride insulating film is in the range of 0.9 to 1.4. Furthermore, claims 1-27 of U.S. Patent No. 6,268,631 do not teach or suggest the feature of aluminum to nitrogen ratio in said aluminum nitride insulating film is in the range of 0.9 to 1.4, as claimed. Thus, Applicants do not believe that the obviousness rejections to claims 22-24 are proper.

With respect to independent claims 3, 7-8, 20-21, 54, 57 and 60-61, Applicants have amended each of claims 3, 7-8, 20-21, 54, 57 and 60-61 to recite, *inter alia*, the features of “aluminum to nitrogen ratio in said aluminum nitride insulating film is in the range of 0.9 to 1.4.” As discussed above, neither Ikeda nor Kim appear to teach or suggest the feature of aluminum to nitrogen ratio in said aluminum nitride insulating film is in the range of 0.9 to 1.4 and claims 1-27 of U.S. Patent No. 6,268,631 do not teach or suggest this feature. Thus, it cannot be said that Ikeda and Kim, taken alone or in combination, make obvious the

invention, as presently claimed.

As the cited prior art references of Ikeda and Kim, separately or in combination, fail to teach, disclose or suggest the features of independent claims 3, 7, 8, 20-24, 54, 57, 60 and 61 in combination with other claimed features, their application in the obviousness rejections is improper.

Therefore, Applicants respectfully submit that independent claims 3, 7, 8, 20-24, 54, 57, 60 and 61 are allowable as discussed above. Further, any claim that depends from an allowable claim is allowable as well. Thus, Applicants respectfully request that the rejections of all dependent claims likewise be removed.

The amendments and arguments set forth above are also applicable to the rejection of their respective dependent claims. As Applicants deem that the arguments overcome the rejection of the pending independent claims, and in the interest of keeping prosecution history compact, Applicants will not address the rejection of each and every dependent claim. Applicants reserve the right to do so in the future, as necessary.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 3, 7-8, 11, 12, 15-17, 20-35 and 37-65 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,

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